

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RICKEY BUCHANAN, SR.,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. SA-23-CV-00663-FB
	§	
UNITED STATES OF AMERICA;	§	
DEPARTMENT OF THE ARMY;	§	
DEPARTMENT OF THE AIR FORCE;	§	
SAN ANTONIO JUSTICE DEPARTMENT;	§	
FEDERAL OFFICERS/FEDERAL COURT	§	
SYSTEM; and US DEPARTMENT OF	§	
VETERANS AFFAIRS,	§	
	§	
Defendants.	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court are the Report and Recommendation of United States Magistrate Judge filed on February 20, 2024 (docket #25), and Plaintiff's Objection to Counsel Recommendation to United States Magistrate Judge filed on February 27, 2024 (docket #27).

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of them. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report or Recommendation to which there are objections requires *de novo* review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a *de novo* review

when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Commission*, 834 F.2d 419, 421 (5th Cir. 1987).

In the Report, Magistrate Judge Farrer recommends to this Court that this case, which has been pending for almost nine months without service being properly executed, should be dismissed because Plaintiff Buchanan has failed to properly prosecute this case, has failed to comply with the Court's November 7, 2023, Order regarding service, and has produced a clear record of delay.

The Court has reviewed the Plaintiff's objections and has conducted a de novo review of those issues raised by the Plaintiff. The Court finds, after careful consideration of the record and the Report and Recommendation, that the Plaintiff's objections lack merit and are overruled. Therefore, the Court hereby accepts, approves, and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation (docket #25) and finds the recommendation should be accepted such that this case shall be DISMISSED WITH PREJUDICE.

Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge, filed in this case on February 20, 2024 (docket #25), is ACCEPTED such that for the reasons set forth in the Report and Recommendation, this case and all of Plaintiff's claims are DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED that motions pending, if any, are also DISMISSED, and this case is now CLOSED.

It is so ORDERED.

SIGNED this 29th day of February, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE